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DE RUEHPS #0150/01 0981833

ZNY CCCCC ZZH

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FM AMEMBASSY PRISTINA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 8938

INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUEHVEN/USMISSION USOSCE PRIORITY 5239

RUEHNO/USMISSION USNATO PRIORITY 1157

RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY

RUCNDT/USMISSION USUN NEW YORK PRIORITY 1664

RHFMIS/AFSOUTH NAPLES IT PRIORITY

RHMFISS/CDR TF FALCON PRIORITY

RHEFDIA/DIA WASHDC PRIORITY

RUEKJCS/SECDEF WASHINGTON DC PRIORITY

RUEPGEA/CDR650THMIGP SHAPE BE PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

RUZEJAA/USNIC PRISTINA SR PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000150

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AND RUSSELL)

E.O. 12958: DECL: 04/07/2019

TAGS: PGOV PREL EAID UNMIKV KV

SUBJECT: KOSOVO: MAJOR ELECTION-RELATED CHALLENGES AHEAD

REF: A. PRISTINA 78

B. PRISTINA 131

Classified By: Ambassador Tina S. Kaidanow for Reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: Kosovo's political scene is increasingly focusing on municipal elections widely expected to take place in autumn-winter 2009, though no date has yet been set. Coalition and opposition parties alike see municipal elections as an opportunity to gain momentum for national elections, currently slated for 2011. The municipal elections present several challenges: the President's LDK party is counting on a strong showing to heal internal divisions, but may break apart and harm the governing coalition if it fails to do well; the Central Elections Commission (CEC), charged with conducting the elections, is seized with an ongoing power struggle between the two senior coalition partners, PDK and LDK, and is currently unable to direct the elections without external assistance; the OSCE Mission in Kosovo (OMIK) wants to offer technical assistance in administering and monitoring, but disputes within the OSCE's Permanent Council in Vienna over the recognition of Kosovo's independence may constrain this ability; and there is currently no other external actor on the ground who can provide necessary assistance to ensure that these elections are generally free and fair. Given the high stakes involved -- Kosovo will be under intense international scrutiny to conduct a legitimate process, its first since becoming independent in February 2008 -- Embassy and USAID have begun contingency planning for IFES to provide substantial support to Kosovo's municipal elections. END SUMMARY

BACKGROUND

¶2. (C) Kosovo last held comprehensive elections in November 2007, when residents voted for national and municipal offices. Despite speculation that Kosovo would again hold national elections in 2009 according to the Ahtisaari Plan's suggestions, President Sejdiu and International Civilian Representative Pieter Feith announced in December 2008 that national candidates elected in 2007 would have a four-year mandate and that no national elections would occur in 2009, arguing that the earlier elections were Ahtisaari-compliant. Municipal office holders, however, only possess a two-year

mandate because the Ahtisaari Plan envisioned new municipal elections following the completion of decentralization that establishes local self-governance and creates six new Serb-majority municipalities. (Note: Decentralization's goal is to empower Serbs with local control, thus increasing their motivation to participate in elections and integrate within Kosovo institutions. Kosovo Serbs had extraordinarily low participation in 2007, with only 3297 Serbs (0.57% of votes cast) coming to the polls.) Decentralization, however, is proceeding slowly, and it is unlikely that any of the new Serb-majority municipalities will be functioning this year. We also do not expect large numbers of Serbs in Kosovo to participate in upcoming elections absent approval or at least tolerance from the Government of Serbia (reftels). End Note.)

¶13. (C) Local speculation holds that President Sejdiu will make his announcement on a date for municipal elections in May or June. The Law on Local Elections states that the President must call elections no later than four months and no earlier than six months before the date of the local elections. The Law further states that municipal elections should occur in the same month four years following the previous election. An UNMIK regulation, however, limited municipal mandates for the most recent election to two years.

This suggests that municipal elections could be called for November 2009. A liberal interpretation of fine points in the election law would allow the President to delay the municipal elections until January 2010 or even move them up to October 2009. We hear, however, that the GOK is hesitant to postpone elections until next year, fearing that this will increase pressure to hold national elections concurrently,

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something opposition parties have lobbied for heavily.

IMPACT OF ELECTIONS ON GOVERNMENT STABILITY

¶14. (C) Municipal elections will likely have a direct impact on the governing coalition's stability. Junior coalition partner LDK is in disarray, with competing factions fighting for control over the party's future. President Sejdiu's loyalists count themselves in the party's old guard and see Sejdiu as the spiritual successor to former President Ibrahim Rugova -- credited among many as the political father of modern, independent Kosovo. A dissatisfied element within the party, gathered loosely under the moniker "Gorenje Group" (named for a local hotel where this group meets), contend that Sejdiu's leadership is ossified and point to the LDK's poor showing in the 2007 elections as evidence that the party needs new direction. Over the previous months, Embassy has been counseling representatives from both factions to work on party development focusing on policies and platform rather than wholesale reform which would result in a purging of party leaders to motivate quick change, but which could also bring down the coalition government and create instability in Kosovo.

¶15. (C) The LDK suffers from serious internal problems, including poor organization and a disaffected grassroots, all stemming from a weak and divided leadership. Another poor electoral outcome for the party coming after 2007's disastrous results will likely engulf the LDK in a bloodbath of bitter infighting for control of what remains of the party. We have already seen former LDK senior official Blerim Kuci defect to Ramush Haradinaj's AAK party, and rumors persist that other LDK members may follow. A worst-case scenario following municipal elections this year is that some LDK MPs might leave the party, forming either their own splinter as the LDD did in 2007 or joining another Assembly caucus, most likely the opposition AAK. Regardless, any fracturing of the LDK would destabilize the coalition and possibly motivate earlier-than-desired national elections that would throw senior officials into full-time campaign mode and distract them from progress on critical political and economic objectives.

CENTRAL ELECTION COMMISSION

¶ 6. (C) For municipal elections in 2009 to have a chance of success, the Central Election Commission (CEC) needs major capacity improvement. Currently, the CEC's secretariat lacks a CEO, the official charged with directing the commission's activities. The CEO's position has been vacant for months, a consequence of tensions between the PDK and LDK, as each party strives for influence on the CEC.

¶ 7. (C) The CEC itself is an 11-member body with a chair that the Kosovo president selects from the Supreme Court and 10 members from political parties represented in the Assembly. Zait Xhemajli, the CEC's current chair, tells us that the CEC is currently incapable of conducting elections on its own and requires technical assistance from the OSCE Mission in Kosovo (OMIK). (NOTE: Currently, OMIK has 20 staff working within the CEC, and OMIK has confirmed Xhemajli's warnings -- including concern about the possibility of counting fraud -- to us on several occasions. END NOTE). Xhemajli has complained to us that the CEC members' political affiliations prompt inter-party conflicts, and he is concerned about what will happen when it comes time for the CEC to start counting votes. He wants objective, expert assistance for a full range of functions, including organizing elections in Serb enclaves, managing vote counting, compiling and updating voter lists, developing an operational plan to allow displaced voters to participate, and registering political parties. He has conveyed this same message to the OSCE on several occasions, including to OSCE Head of Mission Werner Almhofer, who has indicated his willingness to assist but has never offered a detailed plan of what OMIK can or will do.

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ROLE FOR THE OSCE

¶ 8. (C) OMIK is divided on how to proceed with its technical assistance on elections. OMIK's Head of Democratization, Wilma Theuws, has an ambitious plan that would second an experienced OMIK local staffer to CEC as the new CEO. This would give the CEC's Secretariat a non-partisan technocrat to plan elections, who could coordinate the CEC's activities with OSCE election workers that Theuws wants to provide for the months leading up to the election.

¶ 9. (C) OMIK HOM Almhofer is far more circumspect about the plan and is nervous that if OMIK's support during the election is too bold, the non-recognizing OSCE member states on the Permanent Council will complain that OMIK's activities are inconsistent with OSCE's "status neutral" position towards Kosovo independence. Almhofer allowed Theuws to submit her plan for election support to Vienna for approval, and we hear that OMIK is expecting a response within two weeks. But even an affirmative response is no guarantee of future engagement. While Theuws believes that she can navigate the Permanent Council's concerns with carefully worded reports that couch OSCE activities in terms of "monitoring," the possibility exists that OSCE, reflecting pressure from Moscow, Belgrade, or the five EU non-recognizing countries, could withdraw its assistance at any time during election preparations and derail the process.

COMMENT

¶ 10. (C) The stakes for the upcoming municipal elections are high. Kosovo will be under intense international scrutiny to conduct a free and fair process -- the first since the country became independent in February 2008. A recent USAID/Washington elections assessment team heard concerns from a number of stakeholders here about the integrity of the elections, and we fear that a failed process would be destabilizing for Kosovo and the region. Other problems loom as well: security for these elections would be of paramount concern, particularly in Kosovo's north, and the unresolved question of the Strpce municipality (where the Serb majority

boycotted the 2007 elections and a Serb parallel government now claims control) would again come to the fore. As of now, the Central Election Commission is incapable of directing elections on its own, and OMIK cannot guarantee its continuing assistance.

¶11. (C) While we could seek to delay elections to allow the LDK time to get its house in order, give the CEC time to grow into its job with the OSCE's assistance, and give decentralization more time to develop and attract more Serb voters, we do not see any of these developments happening soon, and immense pressure from Kosovo's opposition to hold these elections gives the government little room for flexibility. Given this situation, we have begun contingency planning to prevent a failed election. USAID, with a grant to IFES, played a critical role to ensure that the 2007 elections proceeded fairly, and we believe it could provide even greater assistance this year. We need, however, greater clarity from OSCE on what assistance it will provide; this should be a topic of discussion for USOSCE in its dealings with the OSCE hierarchy and other delegations. End comment.
KAIDANOW